



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,643	12/01/2000	Masashi Hamada	36409-00500	5951

7590 11/07/2002

Christopher E. Chalsen, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

89

Office Action Summary

Application No.

09/728,643

Applicant(s)

HAMADA, MASASHI

Examiner

Brandon J Miller

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 12/06/1999. It is noted, however, that applicant has not filed a certified copy of the Japan 11-346223 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

Claims 10 and 13 recite the limitation " wireless base station" in a communication system. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 9-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinomiya.

Regarding claim 1 Shinomiya teaches a system constructed by a base station and a plurality of terminals existing in a service zone which is formed by a base station (see abstract and col. 4, lines 33-39). Shinomiya teaches a wireless communicating means for communicating with a plurality of terminals in a wireless manner (see abstract and col. 4, lines 33-39).

Shinomiya teaches allocating base station identification information (see col. 4, lines 48-61).

Art Unit: 2683

Shinomiya also teaches identification information for specifying an arbitrary one of a plurality of terminals on the basis of a predetermined condition at the time of forming a link with a terminal (see col. 9, line 6, and col. 11, lines 6-9, 20-25 & 44-46).

Regarding claim 2 Shinomiya teaches notifying of a reception to an arbitrary terminal by using allocated base station identification information (see col. 11, lines 20-25 & 57-61).

Regarding claim 3 Shinomiya teaches notifying a system of unique base station information for specifying a self-base station (see col. 4, lines 48-52 & 55-56). Shinomiya also teaches base station identification information allocated to an arbitrary terminal as information for specifying an arbitrary terminal in a system (see col. 9, line 6, col. 10, lines 55-63 and col. 11, lines 20-25 & 44-46).

Regarding claim 4 Shinomiya teaches managing a correlation between an arbitrary terminal and base station identification information allocated to an arbitrary terminal (see col. 5, lines 48-49 & 54-56 and col. 7, lines 6-14).

Regarding claim 9 Shinomiya teaches a system constructed by a base station and a plurality of terminals existing in a service zone which is formed by a base station (see abstract and col. 4, lines 33-39). Shinomiya teaches a wireless communicating means for communicating with a plurality of terminals in a wireless manner (see abstract and col. 4, lines 33-39).

Shinomiya teaches allocating base station identification information (see col. 4, lines 48-61).

Shinomiya also teaches identification information for specifying an arbitrary one of a plurality of terminals on the basis of a predetermined condition at the time of forming a link with a terminal (see col. 9, line 6, and col. 11, lines 6-9 & 20-25 & 44-46).

Art Unit: 2683

Regarding claim 10 Shinomiya teaches a notifying of a reception to an arbitrary terminal by using allocated base station identification information allocated to an arbitrary wireless terminal from a (see col. 11, lines 20-25 & 57-61).

Regarding claim 11 Shinomiya teaches specifying a terminal for a system using unique base station information for specifying a base station and base station identification information (see col. 9, line 6, col. 10, lines 55-63 and col. 11, lines 20-25 & 44-46).

Regarding claim 12 Shinomiya teaches temporarily storing a correlation between terminal information and base station identification information and managing (see col. 5, lines 48-60).

Regarding claim 13 Shinomiya teaches requesting a link establishment using an identifier of a base station to an arbitrary base station to which base station identification information has been allocated (see col. 4, lines 48-60 and col. 11, lines 6-9 & 20-25). Shinomiya teaches requesting a link establishment using unique terminal information for specifying an arbitrary wireless terminal to a base station other than an arbitrary base station (see col. 4, lines 48-60 and col. 11, lines 6-9 & 20-25). Regarding claim 15 Shinomiya teaches a storage medium in which a processing program for embodying functions has been stored in a computer-readable state (see col. 3, lines 25-30).

Regarding claim 15 Shinomiya teaches a storage medium in which a processing program for embodying functions has been stored in a computer-readable state (see col. 3, lines 25-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinomiya.

Regarding claim 5 Shinomiya teaches a device as recited in claim 1 except for receiving a link establishment request from an arbitrary terminal, a link establishment request using at least any of unique terminal information for specifying an arbitrary terminal, and base station identification information allocated from a base station other than a self-base station to an arbitrary terminal and unique base station information for specifying another base station. Shinomiya further teaches receiving a link establishment request from an arbitrary terminal and a link establishment request using at least any of unique terminal information for specifying an arbitrary terminal (see col. 10, lines 65-67 and col. 11, lines 10-25). Shinomiya also further teaches base station identification information allocated from a base station other than a self-base station to an arbitrary terminal and unique base station information for specifying another base station (see col. 5, lines 48-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Shinomiya adapt to include receiving a link establishment request from an arbitrary terminal, a link establishment request using at least any of unique terminal information for specifying an arbitrary terminal, and base station identification information allocated from a base station other than a self-base station to an arbitrary terminal and unique base station information for specifying another base station

Art Unit: 2683

because this would allow for avoidance of interference in control channel signals among a plurality of base stations.

Regarding claim 6 Shinomiya teaches a device as recited in claim 5 except for a registration deletion request for requesting another base station to delete registration of base station identification information allocated from another base station to an arbitrary terminal. Shinomiya does teach a message requesting a base station to be changed along with a device for changing registration and identification information allocated from another base station to an arbitrary terminal (see col. 5, lines 47-49 and col. 6, lines 13-20). Although Shinomiya does not mention a registration deletion request for deleting registration identification information from another base station it is implied that the base station identification information is deleted and replaced when a change in base stations is requested. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Shinomiya adapt to include a registration deletion request for requesting another base station to delete registration of base station identification information allocated from another base station to an arbitrary terminal because this would allow for avoidance of interference in control channel signals among a plurality of base stations.

Regarding claim 7 Shinomiya teaches a device as recited in claim 1 except for receiving a registration deletion request of a base station identification information allocated by the base station and executing a registration deletion of a base station identification information on the basis of a registration deletion request. Shinomiya does teach receiving a message requesting a base station to be changed along with a device for changing registration and identification information allocated from another base station to an arbitrary terminal (see col. 5, lines 47-49

Art Unit: 2683

and col. 6, lines 13-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Shinomiya adapt to include receiving a registration deletion request of a base station identification information allocated by the base station and executing a registration deletion of a base station identification information on the basis of a registration deletion request because this would allow for avoidance of interference in control channel signals among a plurality of base stations.

Regarding claim 8 Shinomiya teaches a message requesting a base station to be changed using the base station identification information whose registration was changed as an object of base station identification information (see col. 5, lines 47-49 and col. 6, lines 13-21).

Claims 12-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinomiya in view of Kao.

Regarding claim 14 Shinomiya teaches a message requesting a base station to be changed along with a device for changing registration and identification information allocated from another base station to an arbitrary terminal in a case where a link between a terminal and a base station have been established (see col. 5, lines 47-49 & 66-67 and col. 6, lines 1-6 & 13-20). Shinomiya also teaches a wire line communication path (see col. 9, lines 32-33 and FIG. 2). Kao teaches a wireless base station (see abstract and col. 6, lines 19 & 21-22).

Regarding claim 16 Shinomiya teaches a base station and a plurality of terminals existing in a service zone with terminals connected to each base station (see abstract and col. 4, lines 33-39). Shinomiya teaches identification information allocating means for allocating base station identification information (see col. 4, lines 48-61). Shinomiya also teaches a base station and manages and allocates unique identification information to each terminal in at a predetermined

Art Unit: 2683

timing (see col. 9, line 6, and col. 11, lines 6-9 & 20-25 & 44-46). Shinomiya does not teach a wireless control device connected to a plurality of base stations, for controlling communication between the base stations. Kao teaches a wireless control device connected to a plurality of base stations, for controlling communication between the base stations (see abstract and col. 6, lines 15-20 & 22-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Shinomiya adapt to include a wireless control device connected to a plurality of base stations, for controlling communication between the base stations because this would allow for wireless connections between base stations and base station controllers without the need of wired connections.

Regarding claim 17 Shinomiya teaches a notifying of a reception of base station identification information and information of an arbitrary wireless terminal corresponding to identification information (see col. 11, lines 20-25 & 57-61). Kao teaches a base station communicating with a wireless control device (see abstract).

Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinomiya in view of Kao and Anttila.

Regarding claim 18 Shinomiya and Kao teaches a device as recited in claim 16 except a wireless control device that connects a plurality of base stations to an outside through various media. Kao further teaches a wireless control device that connects a plurality of base stations (see abstract and col. 4, lines 48-51). Antilla teaches a control device that connects a base stations to an outside through various media (see col. 6, lines 45-51, 57-61 & 65-67 and col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Shinomiya and Kao adapt to include a wireless control device that

Art Unit: 2683

connects a plurality of base stations to an outside through various media because this would allow for establishing a telecommunications and transferring calls in a telecommunication network and a data transfer network.

Regarding claim 19 Kao teaches ISDN network media (see col. 3, lines 48-49).

Regarding claim 20 Kao teaches ATM network media (see col. 3, lines 50-51).

Regarding claim 21 Kao teaches LAN network media (see col. 3, lines 47-48).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takemura U.S Patent No. 6,163,695 discloses a mobile communication system and mobile communication method thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/728,643

Page 10

Art Unit: 2683

October 31, 2002



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600